



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

HOW GOOD CITY GOVERNMENT MAY BE HAD.

BY LUCIUS F. C. GARVIN, GOVERNOR OF RHODE ISLAND.

I.

THE government of cities is conceded to be the most perplexing of American problems. Fortunately, it is also true that no political question is attracting from publicists a closer attention. With the rapid conversion now going on of villages into cities, and of small cities into great ones, the true basis for a municipal charter cannot be fixed too soon.

Just now a controversy is under way between what is known as the Federal plan and a system of State Boards. Both of these methods have been tried, partially at least, and neither of them in practical operation can be pronounced a signal success. But before condemning, or even examining to advantage, any existing models, a previous question must be decided. And to that question, which underlies all forms of municipal government, however diverse, this paper seeks an answer.

The principle of self-government is simple. It rests upon the conviction that adult persons of sound mind can best look after their own interests. Unquestionably, this is true of the individual and of the family. The young man or young woman who depends upon others will not only lose strength, but is very likely to lean upon a broken reed. In like manner, that family is best cared for whose members are on the constant look-out for its welfare. The reason for this is plain. The family possesses the greatest knowledge of its own needs and resources; it has both the power and disposition to give close attention to details; and it must bear the consequences, good or bad, of any action taken. It goes without saying that no outsider and no other family can be in possession of the same information regarding it or feel an equal interest in its welfare.

What is so evident as to an individual or a family is also true of a community; and upon this hypothesis our American form of government was based. The result of a trial of more than a century and a quarter must convince the careful student of history that the theory is correct. Whenever and wherever the principle of self-government has been adhered to faithfully, it has vindicated the wisdom of its originators. Its most perfect application has been in the New England town-meeting, and that by common consent is pronounced an undoubted success. From time to time, a like excellence has been manifest in State and national affairs. Whenever the people have been thoroughly aroused, when our antiquated system of elections, so badly adapted to record the sentiments of the voters, has been coerced into some degree of obedience to the popular will—on these occasions self-government has been real. Such an awakening of the people of the North occurred when the Republican party, under the leadership of Lincoln, Sumner and Seward, came into power on the slavery issue. It has happened also at intervals in nearly every State and city; and, in each instance, corrupt politicians being relegated to the rear, public affairs have taken on a better aspect. Unfortunately, because of the time and skill required to manipulate successfully our election machinery, the rule of the people in such instances has proved to be but temporary.

It may be objected to the theory which advances self-government as the best means of obtaining good municipal administration, that cities are better governed abroad than in the United States. This is true; but in Great Britain, at least, it may be accounted for by two peculiar facts. One fact is, that the custom has long prevailed there, even under a system of elections but little superior to our own, of selecting and continuing in the city government men of great ability and high character, without regard to their partisan views. An opportunity to do this is afforded by another custom there prevailing, to wit: the retirement from a successful business career of men in the prime of life, ready, without pecuniary compensation, to give many years to the service of the public.

The other fact is, that the wisely drawn Municipal Corporations Act of Parliament leaves the fullest powers to the municipal council. Indeed, almost its only express directions relate to suffrage qualifications, manner of conducting elections, method of

assessing taxes, conduct of charitable trusts, incurment of debt, and to the purchase of land and buildings. The council elects the board of aldermen, the mayor, the treasurer, the clerk, the auditors and such other officers, including heads of departments, as it deems necessary. It has complete control of police, streets, lighting, public buildings, water-works, local courts, sanitary regulations, ward boundaries; of education, when there is no school board, and of the enactment of ordinances.

Practically, therefore, the British city has a greater degree of self-government than the American city. And it may be added that the conditions above stated, which have there brought about a fuller self-government, do not exist in any one of the United States, and cannot be transplanted.

Notwithstanding the general acceptance in this country of the inherited theory that self-government is best, yet the control of cities through the instrumentality of State Boards is becoming year by year more common. Whenever a State official receives his pay from a municipal treasury, the principle of self-government is violated. If, in addition to his salary, other sums of money are taken by the State from the local treasury to be expended by the State official, deep injury is added to the insult. Moreover, when the voters of a city cannot, either directly or indirectly, select every individual who disburses the taxes they pay, misgovernment in that city cannot be laid at the door of its electors. The greater the power such State officials possess, and the more money such a board disburses, the less reason is there to attribute defects in local government to popular incompetence. Pre-eminently is this true where, as recently in Pennsylvania, the chief executive of a city is appointed by the State, or where, as in Maryland, Ohio, Massachusetts and Rhode Island, police commissions, and other important municipal boards, are appointed by and responsible to State authorities.

But, it may be said, most of our cities have been free from such interference with home rule, and yet not one of them has been well governed—not so well governed as some of the cities in which State Boards exist. That is all true. Neither the so-called Federal plan, nor, in fact, any kind of plan, has thus far proved satisfactory to the inhabitants of a city, or commended itself decidedly to outsiders.

One reason, and doubtless the chief reason, for the acknowledged

imperfection of municipal government is that charters have been made for the people of a city, but not by them. This criticism holds, whether the charter is the product of special legislation, or is a general law for all the cities of the State. A ready-made charter imposed upon a city by an outside party, the State, is open to precisely the same objections, which everyone would perceive if the United States were to frame constitutions for Territories when these are admitted as States.

The only way in which a city can possess real self-government is by making and controlling its own charter. That is to say, its original charter, and any change subsequently made in it, must be adopted at the polls by the people of the city; and, more than that, the committee, or commission, or convention, which frames or revises the charter, must be a body of men as perfectly representative as possible of the electorate which is to live under the charter. These two simple but imperative demands of self-government have never been met. City charters, even when drawn up by local authorities, have either been fashioned by incompetents, or else have been compromises deemed necessary, though objectionable, by the misrepresentative committee which framed it.

In New England, when a town, because of increased population, becomes a city, the electors find many of their cherished rights taken away. Reference is here made not to the power previously exercised by the freemen of fixing the rate of taxation, and appropriating to various public purposes the taxes to be paid in, for these losses are expected and in a measure unavoidable; but, besides, they discover, and no doubt with surprise, that very many other limitations are imposed upon them without any option having been given them, except the general consent implied in the acceptance of the compromise charter when submitted to popular vote. The inhabitants of the new-made city soon find that they continue to be subject to substantially the same general State laws as before, but that, in addition, many of the charter provisions (to say nothing of a multitude of new ordinances restricting their former freedom of action) comprise details which are objectionable and prove to be unwise. In fact, the details of a city charter must be looked after by its authors rather than by the people: and, as is well known, selfish interests, partisan considerations, and improper compromises, too often determine the action of the persons who really draw up the charter.

II.

A city charter is the city's constitution, a local organic law controlling all ordinances and acts of city officials. As such, it should be framed with like care and in the same manner as a State constitution. No outside body should have anything to do with its details, or with any part of it which is peculiar to that city. Indeed, all State laws relating to cities should be of general application and need not be numerous. Under such general laws, each city should have the power to determine all special features for itself. Among the few State requirements, it is essential to include careful directions for framing or revising the charter, and also for its amendment. Such provisions, indeed, should be included in every State constitution, for then, and then only, will they be at all permanent.

The selection of the men who are to draft a city charter should be provided for as in the following Constitutional Amendment:

“ARTICLE — OF CITIES.

“SECTION 1. If at least one-fifteenth in number of the legal voters of any city, or of any town qualified to become a city, shall, sixty days previous to any general election of State officers, file with the Secretary of State a petition that the electors may, at such general election, cast their ballots for or against the question, “Shall this city (or town) hold a convention to frame a city charter?” the Secretary of State shall submit such question to the electors of said city, or town, at said general election, and, if then approved by a majority of the electors present and voting thereon, such convention shall assemble twenty-eight days after said election.

“Said Secretary of State at said election shall provide ballots for the election of fifteen delegates to constitute said convention. In such city, or town, any party, or other group of voters, numbering one per cent. of its qualified electors, may nominate not exceeding fifteen candidates for the office of delegate. The names of all candidates shall be placed upon the same ballot, but no elector shall be allowed to vote for more than one candidate. Each such party, or group of electors, shall be represented in said convention in the proportion which the whole number of votes cast for its candidates for delegate bears to the total number of votes cast for all candidates for delegate, and, whenever so represented, it shall be by such of its candidates as receive the highest number of votes. The charter framed by said convention shall be submitted to the qualified electors of such city for their adoption or rejection by majority vote. In no other way shall a charter be made or revised for any city.”

A careful examination of the above suggested amendment to a State constitution shows that the convention provided for will

be more perfectly representative of the electorate than any legislative body which ever met. With fifteen distinct and leading views having each its chosen representative, the convention will mirror the sentiments of the electors. Having a perfect freedom of choice, such as this amendment provides, the voters of any city ought certainly to succeed in selecting fifteen citizens well qualified to draw up a charter for their future government. Should the result be unsatisfactory, the alternative remains of defeating the proposed charter and trying to do better another year.

But when a charter, in the main satisfactory, has finally been secured, it may still be that in some details it does not meet with the approval of a majority of the voters; and, in any event, as time goes on, changes will be needed and demanded. It should be possible to make such specific changes without the trouble and expense of calling a convention, and yet without running the risk of having the charter either subjected to influences without the city, or mutilated by ill-considered action within.

To this end, a second section should be added to the constitutional article already proposed, as follows:

"SECTION 2. If at least one-tenth in number of the legal voters of any city shall, sixty days previous to any general election of its city officers, file with the city clerk a petition proposing a specific and particular amendment to the city charter, and asking that the electors may at said city election cast their ballots for or against such proposed amendment; every proposition so made shall be submitted by the city clerk to the electors at said election, and if then approved by a majority of the electors of said city present and voting thereon, it shall, thirty days thereafter, become a part of the city charter, and in no other way shall any city charter be amended."

It will be seen that such a constitutional provision would enable a majority in any city to make such changes in its charter as they saw fit, provided each subject was dealt with separately. Under this proviso, no complex propositions, which, while improving one phase of the charter, might injure another, could be used to confuse and perplex the people.

Assuming that, given suitable instrumentalities for shaping their wishes, the people of American cities are capable of self-government, it would seem that no objection from any unselfish source can be raised to either section of the article here formulated. Especially is this the case when we consider that no city

in the United States, however cultivated its inhabitants, can be said to possess good government—a government satisfactory to the majority. Indeed, it may be questioned whether, under any existing charter, a city in which every voter was a college graduate would find itself well governed. The worst governed of our cities, the one possessing the most ignorant and least homogeneous population, ought to have good government under the proposed system, for the reason that, when the people of a community large enough to form a city subdivides voluntarily into fifteen natural classes, each of them, with scarcely an exception, will be found capable of selecting worthy leaders. This would be the case if the city were made up of fifteen nationalities, each speaking a different language. As the legal profession can best select a judge, the medical profession a health officer, a labor organization its leader, so any class in a community which, under free opportunity for choice, decides to act together politically will make a wise selection of its representative.

It is true that, under the plan proposed, the law-breaking class of a city, if they constituted one-fifteenth of the population, would have the power to elect one delegate; but the character of the citizens represented by that delegate would be known, and, however able he might be, as one of a convention of fifteen composed almost wholly of well-meaning men of no less ability, his influence in moulding a charter favorable to lawbreakers would be very small—indeinitely smaller than under the existing so-called majority system of elections, which frequently gives to lawbreakers the balance of power over numerous candidatures.

The plan here presented would give to the electors of a city complete and continuous control of their local government. It would enable them not only to devise a better charter than any now in existence, but also to correct speedily any evils developed by a practical experience of its workings.

The doctrine of self-government, and the method of its application which are here set forth, necessarily exclude all government of municipalities through State Commissions. The "Federal plan," no doubt, would be given a fair test, and out of that or some better system, would be evolved a good city government.

LUCIUS F. C. GARVIN.